



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed April 29, 2021


Stacy G. L. James
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re § Chapter 11
§
HIGHLAND CAPITAL MANAGEMENT, L.P.,¹ § Case No. 19-34054-sgj11
§
Debtor. §

§
UBS SECURITIES LLC AND UBS AG § Adversary Proceeding
LONDON BRANCH, §
§
Plaintiffs, §
vs. §
§
HIGHLAND CAPITAL MANAGEMENT, L.P., §
§
Defendant. §

¹ The Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

**ORDER: (I) AUTHORIZING UBS TO EFFECT ALTERNATIVE SERVICE OF
SUBPOENAS ON JAMES DONDERO, (II) DENYING DONDERO'S MOTION FOR A
PROTECTIVE ORDER, AND (III) GRANTING IN PART DONDERO'S
MOTION TO MODIFY ORDER GRANTING LEAVE TO FILE UNDER SEAL**

Upon consideration of: (i) *Plaintiffs' Motion for an Order Authorizing Alternative Service of Subpoenas* filed by UBS Securities LLC and UBS AG London Branch (together “UBS”), along with the Memorandum of Law, George Declaration, and Appendix filed in support of the Motion (Adv. Dkt. No. 28-30, collectively, the “UBS Motion”), (ii) *Nonparty Deponent James Dondero's Motion for a Protective Order* and accompanying exhibits (Adv. Dkt. No. 23, the “PO Motion”), and (iii) *James Dondero's Motion to Modify Order Granting Leave to File Under Seal* and accompanying exhibits (Adv. Dkt. No. 24, the “Seal Modification Motion,” and with the UBS Motion and PO Motion, the “Motions”); and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that venue of this proceeding and the Motions is proper in this District pursuant to 28 U.S.C. §§ 1408-1409; and due, adequate, and sufficient notice of the Motions having been given; and after due deliberation and for the reasons stated on the record at the hearing conducted April 28, 2021, it is hereby **ORDERED**:

1. The UBS Motion is GRANTED;
2. UBS is authorized to effect alternative service of a *Subpoena to Testify at a Deposition in a Bankruptcy Case or Adversary Proceeding* (the “Deposition Subpoena”) and a *Subpoena to Produce Documents, Information, or Objects or To Permit Inspection in a Bankruptcy Case or Adversary Proceeding* (the “Production Subpoena”) upon James Dondero by (i) overnight mail to Mr. Dondero’s current home address; and (ii) email to Mr. Dondero’s counsel;
3. Mr. Dondero must produce documents in response to the Production Subpoena by May 6, 2021;

4. Mr. Dondero's deposition pursuant to the Deposition Subpoena is scheduled for May 10, 2021 at 9:30 am CT, unless otherwise agreed to by all parties;

5. The PO Motion is DENIED;

6. The Seal Modification Motion is GRANTED IN PART;

7. UBS will share the sealed *Original Complaint for Injunctive Relief* [Adv. Dkt. No. 3] (the "Complaint") with James Dondero and his counsel at Bonds Ellis Eppich Schafer Jones, LLP ("Bonds Ellis") upon the entry of this Order; and

8. James Dondero and his counsel at Bonds Ellis are restricted from sharing or discussing or conveying directly or indirectly the substance or nature of the contents of or allegations in the Complaint with anyone else, other than amongst themselves (*i.e.*, between James Dondero and his counsel at Bonds Ellis).

End of Order

Order prepared by:

LATHAM & WATKINS LLP

By /s/ Andrew Clubok

Andrew Clubok (*pro hac vice*)
Sarah Tomkowiak (*pro hac vice*)
555 Eleventh Street, NW, Suite 1000
Washington, District of Columbia 20004
Telephone: (202) 637-2200
Email: andrew.clubok@lw.com
sarah.tomkowiak@lw.com

Jeffrey E. Bjork (*pro hac vice*)
Kimberly A. Posin (*pro hac vice*)
355 South Grand Avenue, Suite 100
Los Angeles, CA 90071
Telephone: (213) 485-1234
Email: jeff.bjork@lw.com
kim.posin@lw.com

Kathryn George (*pro hac vice*)
330 North Wabash Avenue, Suite 2800
Chicago, IL 60611
Telephone: (312) 876-7700
Email: Kathryn.george@lw.com

BUTLER SNOW LLP

Martin Sosland (TX Bar No. 18855645)
Candice M. Carson (TX Bar No. 24074006)
2911 Turtle Creek Blvd., Suite 1400
Dallas, Texas 75219
Telephone: (469) 680-5502
E-mail: martin.sosland@butlersnow.com
candice.carson@butlersnow.com

*Counsel for UBS Securities LLC and UBS
AG London Branch*

United States Bankruptcy Court
Northern District of Texas

UBS Securities LLC,

Plaintiff

Highland Capital Management, L.P.,

Defendant

Adv. Proc. No. 21-03020-sgj

CERTIFICATE OF NOTICE

District/off: 0539-3

User: mmathews

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Date Rcvd: Apr 29, 2021

Form ID: pdf001

Total Noticed: 9

The following symbols are used throughout this certificate:

Symbol

Definition
 + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 01, 2021:

Recip ID	Recipient Name and Address
aty	+ Jamie Wine, LATHAM & WATKINS LLP, 885 Third Ave., New York, NY 10022-4874
aty	+ Jeffrey E. Bjork, Latham & Watkins LLP, 355 S. Grand Ave., Ste. 100, Los Angeles, CA 90071-3104
aty	+ Katherine George, LATHAM & WATKINS LLP, 330 North Wabash Avenue, Ste. 2800, Chicago, IL 60611-3695
aty	+ Sarah Tomkowiak, Latham & Watkins LLP, 555 Eleventh Street, NW, Suite 1000, Washington, DC 20004-1359
aty	+ Zachary F. Proulx, LATHAM & WATKINS LLP, 885 Third Ave., New York, NY 10022-4874
ust	+ Cheryl Wilcoxson, US Trustee, 1100 Commerce St., Ste. 976, Dallas, TX 75242-0996

TOTAL: 6

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpregion06.ty.ecf@usdoj.gov	Apr 29 2021 21:33:00	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231
ust	+ Email/Text: ustpregion07.hu.ecf@usdoj.gov	Apr 29 2021 21:33:00	US Trustee, Office of the US Trustee, 515 Rusk Ave, Ste 3516, Houston, TX 77002-2604
ust	+ Email/Text: ustpregion06.da.ecf@usdoj.gov	Apr 29 2021 21:33:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 3

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
ust		Sandra Nixon, U.S. Trustee
ust		mario zavala
ust	*+	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231

TOTAL: 2 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 01, 2021

Signature: /s/Joseph Speetjens

District/off: 0539-3

Date Rcvd: Apr 29, 2021

User: mmathews

Form ID: pdf001

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Total Noticed: 9

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 29, 2021 at the address(es) listed below:

Name	Email Address
Andrew Clubok	on behalf of Plaintiff UBS Securities LLC andrew.clubok@lw.com andrew-clubok-9012@ecf.pacerpro.com,ny-courtmail@lw.com
Andrew Clubok	on behalf of Plaintiff UBS AG London Branch andrew.clubok@lw.com andrew-clubok-9012@ecf.pacerpro.com,ny-courtmail@lw.com
Candice Marie Carson	on behalf of Plaintiff UBS AG London Branch Candice.Carson@butlersnow.com
Candice Marie Carson	on behalf of Plaintiff UBS Securities LLC Candice.Carson@butlersnow.com
Clay M. Taylor	on behalf of Interested Party James Dondero clay.taylor@bondsellis.com krista.hillman@bondsellis.com
Juliana Hoffman	on behalf of Creditor Committee Official Committee of Unsecured Creditors jhoffman@sidley.com txefilingnotice@sidley.com;julianna-hoffman-8287@ecf.pacerpro.com
Kimberly A. Posin	on behalf of Plaintiff UBS AG London Branch kim.posin@lw.com colleen.rico@lw.com
Kimberly A. Posin	on behalf of Plaintiff UBS Securities LLC kim.posin@lw.com colleen.rico@lw.com
Martin A. Sosland	on behalf of Plaintiff UBS Securities LLC martin.sosland@butlersnow.com ecf.notices@butlersnow.com,velvet.johnson@butlersnow.com
Martin A. Sosland	on behalf of Plaintiff UBS AG London Branch martin.sosland@butlersnow.com ecf.notices@butlersnow.com,velvet.johnson@butlersnow.com
Matthew A. Clemente	on behalf of Creditor Committee Official Committee of Unsecured Creditors mclemente@sidley.com matthew-clemente-8764@ecf.pacerpro.com;efilingnotice@sidley.com;ebromagen@sidley.com;alyssa.russell@sidley.com;dtwomey@sidley.com
Melissa S. Hayward	on behalf of Defendant Highland Capital Management L.P. MHayward@HaywardFirm.com, mholmes@HaywardFirm.com
Paige Holden Montgomery	on behalf of Creditor Committee Official Committee of Unsecured Creditors pmontgomery@sidley.com txefilingnotice@sidley.com;paige-montgomery-7756@ecf.pacerpro.com;crognes@sidley.com;ebromagen@sidley.com;efilingnote@sidley.com
Zachery Z. Annable	on behalf of Defendant Highland Capital Management L.P. zannable@haywardfirm.com

TOTAL: 14